

Littleton, Massachusetts
Toxic and Hazardous Materials Town Bylaw
Health Agent
(508)952-2314
Health Ordinance

TOXIC AND HAZARDOUS MATERIALS TOWN BYLAW

Article . To determine if the town will vote to adopt a Toxic and Hazardous Waste bylaw. Said bylaw to be administered by the Board of Health, with assistance by the Fire Department.

Section 1. Authority

This bylaw is adopted by the town under its home rule powers, its police powers to protect the public health and welfare, and its authorization under Mass. Gen. Laws Ch. 40, 5 21.

Section 2 Purpose

The purpose of this bylaw is to protect, preserve, and maintain the existing and potential groundwater supply, groundwater recharge areas, and surface water within the town from contamination with toxic or hazardous materials.

3. Definitions. "Toxic or hazardous materials" shall include all liquid hydrocarbon products including, but not limited to, gasoline, fuel and diesel oil, and also any other toxic, caustic, or corrosive chemicals, radio-active materials or other substance controlled as being toxic or hazardous by the Division of Hazardous Waste under the provisions of Chapter 21 (c), G.L.

4. Storage Generally

A. Every owner or operator of a commercial or industrial establishment, (including home occupations and agricultural and horticultural operations) storing toxic or hazardous materials in quantities totaling more than 50 gallons liquid volume or 25 pounds dry weight shall register with the Board of Health the types~of materials stored, quantities, location, and method of storage. An inventory of such materials shall be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this provision shall be initially submitted by June 30, 1981 and annually thereafter. Maintenance and reconciliation of inventories shall also begin by June 30, 1981.

B. Wastes containing toxic or hazardous materials shall be held on the premises in product-tight containers for removal by a licensed carrier and for disposal in accordance with the Massachusetts Hazardous Waste Management Act, Ch. 21C, G.L.

C. The Board of Health shall require that containers of toxic or hazardous materials be stored on an impervious, chemical resistant surface compatible with the material being stored, and that the storage area be enclosed with a permanent dike of impermeable construction.

D. Every person having knowledge of a spill, leak or other loss of toxic or hazardous materials shall immediately report the spill or loss of same to the Board of Health and if involving flammable or explosive materials to the Fire Department.

5 Underground Storage

A. The following provisions shall apply to all underground liquid toxic or hazardous material storage systems with capacities greater than 1,000 gallons:

1. Owners shall file with the Board of Health the size, type, age, and location of each tank, and the type of fuel or chemical stored in each, on or before June 30, 1981. Evidence of date of purchase and installation, including Fire Department permit, if any, shall be included along with a sketch map showing the location of such tanks on the property.

2. Owners of tanks for which evidence of installation date is not available shall, at the order of the Board of Health, have such tanks system tested. If either the Board of Health or the Fire Chief determines that the tank is not product tight it shall be removed.

3. All steel tanks shall be subject to one of the following tests 15 years after installation and annually after 20 years or if evidence of installation date is not available: a 5 pounds per square inch air pressure test performed on an empty tank, or a Kent-Moore Pressure test, or any other testing system providing equivalent safety and effectiveness. Certification of testing shall be submitted to the Board of Health and Fire Chief. Any tanks failing the test shall be neutralized or disposed of under the direction of the Fire Chief and the Board of Health.

4. Newly installed tanks shall be of approved design and protected from internal and external corrosion. The following tank construction systems are considered to provide adequate corrosion protection: all fiberglass construction; steel with bonded fiberglass and internal lining; and the Steel Tank Institute 3-Way Protection System.

B. The following provisions apply to all underground toxic or hazardous material storage systems:

1. All leaking tanks must be emptied within 12 hours of leak detection and removed in a time period to be determined by the Fire Chief and the Board of Health.

2. All tank installations within 4 feet of high water table or within 100 feet of a surface water body shall be of fiberglass construction. The Fire Chief and the Board of Health shall determine if the installation is to be vaulted or anchored.

6. Variances.

The Board of Health may vary the application of any provisions of this bylaw in any case when, in its opinion, the enforcement thereof would do manifest injustice and the applicant has demonstrated that the same degree of environmental protection required under this bylaw will still be achieved. Requests for such variance shall be in writing. The applicant must notify all abutters by certified mail at his own expense at least 10 days before the Board of Health meeting at which the variance request will be considered.

Section 7. Fee

The Board of Health may charge for additional expenses incurred for the enforcement or maintenance of this bylaw.

Section 8 Penalty

Any person who violates any provision of this bylaw shall be punished by a fine of not more than \$200. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This bylaw may be enforced pursuant to Mass. Gen. Laws, Ch. 40, S21D by a Town police officer or other officer having police powers. Upon request of the Board of Health or the Fire Department, the Board of Selectmen and Town Counsel shall take such legal action as may be necessary to enforce this bylaw.